

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

US FOODS, INC.,

Plaintiff,

v.

WILLIAM T. KANE a/k/a BILL T. KANE,  
an individual, and RONALD G. LINABURG,  
D.D.S, an individual,

Defendants.

**JURY TRIAL DEMANDED.**

CIVIL ACTION

Case No. 2:19-cv-946-JFC

**DR. LINABURG'S RESPONSE TO KANE'S MOTION TO STRIKE AFFIRMATIVE  
DEFENSES**

AND NOW, comes Defendant, Ronald G. Linaburg, D.M.D.,<sup>1</sup> by and through his attorneys, Michael P. Oliverio, Esq., John J. Heurich, Jr., Esq. and The Lynch Law Group, LLC, and in Response to the Motion to Strike Affirmative Defenses of William T. Kane a/k/a Bill T. Kane, denies that any of the allegations contained in paragraphs 49 through 84 are immaterial, impertinent, scandalous, or otherwise factually and legally insufficient.

To the contrary, paragraphs 49 through 84 allege facts that are germane, directly relevant, material, pertinent to Dr. Linaburg's defenses. Moreover, these allegations are not scandalous, and are both factually and legally sufficient. For these reasons, and for the reasons set forth more fully in the accompanying Brief in Opposition, which are specifically incorporated herein by reference, Kane's Motion to Strike should be denied.

WHEREFORE this court should deny the motion to strike.

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<sup>1</sup> The caption of the instant action improperly reflects that Dr. Linaburg holds a D.D.S. degree, rather, Dr. Linaburg holds a D.M.D. degree.

Date: December 6, 2019

Respectfully submitted,

THE LYNCH LAW GROUP, LLC

/s/ Michael P. Oliverio

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Counsel for Defendant, Ronald G. Linaburg,  
D.M.D.

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 6<sup>th</sup> day of December, a true and correct copy of the foregoing **RESPONSE TO MOTION TO STRIKE AFFIRMATIVE DEFENSES** was served upon the following as follows:

Via the Court's CM/ECF System:

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